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STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

**Statement of Rep. Tony Staskunas, 2007 AB 241
Assembly Committee on Criminal Justice
October 16, 2007**

Chairman and members of the Assembly Committee on Criminal Justice, I am Representative Tony Staskunas, Assembly author of AB 241.

Graffiti is a problem that has escalated over the years. Graffiti began as 'artistic expression' or simply juvenile vandalism. Unfortunately it now has become, in some cases, the marking of territories for gang activities.

In reality graffiti de-values property and makes people feel unsafe in their neighborhoods. The longer graffiti remains the faster property values decline. In addition to its unsightly appearance, gang graffiti can have frightening results. It has been shown that gang graffiti not only marks territory, but is occasionally a threat or a challenge to a rival gang and the longer the graffiti is left up in a neighborhood, the greater the risk that the threats will be acted upon. I have also provided you with a copy of a recent article from *The Capital Times* highlighting increasing gang activity and its connection to graffiti.

Two years ago in one of the most blatant graffiti cases in Milwaukee County the Calatrava wing of the Milwaukee Art Museum was defaced. I think we were all shocked by this utter sign of disrespect for our museum and our community. Luckily the alleged culprits of this crime were apprehended within days. They ranged in age from 25 to 31, refuting the notion that graffiti is simply limited to juvenile antics.

Over a decade ago, Wisconsin lawmakers decided that a person marking or drawing on another person's property without permission, had committed a crime. With this new law, graffiti officially became vandalism, not art.

The 2001 state budget changed the monetary threshold for making graffiti a felony. Under the budget the threshold was increased from \$1,000 to \$2,500. Therefore, currently if the cost of repairing, repainting or replacing the building to its pre-graffiti state exceeds \$2,500 the perpetrator could be charged with a felony.

Assembly Bill 241 would return this threshold to the previous level of \$1,000. If the cost to clean up the damages from the graffiti is less than \$1,000, the offender would be subject to a city citation for the graffiti. In Milwaukee this citation carries a fine of \$661. However, if the cost is greater than \$1,000 they **could** be charged with a felony under my proposal.

I believe that enactment of AB 241 could give our law enforcement agencies a stronger tool to fight this property crime and deter future offenders. Mr. Chairman and members, thank you for your kind attention today. I would be happy to answer any questions you may have.

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Gang signs: Police see graffiti as indicator of members vying for turf

Steven Elbow
October 9, 2007

When Tim Johnson sees a wall defaced with graffiti, he doesn't just shake his head and pass by. He grabs a camera.

If he doesn't see it, maybe one of his neighbors will, and they'll pass along a picture to Johnson, who has compiled a photo display of gang graffiti in his southwest side neighborhood.

He has taken the display to neighborhood meetings on crime, where city and police officials have taken note of his stark, undeniable proof that gang activity is on the rise there.

"I decided this needed some attention," Johnson said, standing in front of the four-unit Russett Road apartment building he owns and lives in. In May the building was labeled with a giant spray-painted "4CH," the symbol for the Chicago gang Four Corner Hustlers.

Johnson, who bought a pressure washer to deal with what has become a recurring problem, removed the graffiti, but a shadow of the 4-foot-high insignia remains.

Other marks are more permanent. Next door, competing symbols are scratched into a cement slab by gang members vying for turf.

Throughout the neighborhood, the Hustlers compete for wall space with other Chicago-based gangs like the Gangster Disciples Nation and Mickey's Cobras.

At a nearby apartment building, a gang member got inside to carve insignia into a door frame and spray paint on the laundry room walls, Johnson said.

"My opinion is people come to Madison from Chicago to get away from the problems there, and some of those individuals bring some of the problems from Chicago with them," he said.

The graffiti is relatively new to the neighborhood. Johnson said it started in the spring, with the activity waxing and waning throughout the summer.

One night in June, taggers hit three buildings on Russett Road, one on

Cameron Drive and five different homes facing Meadowood Park.

"In my four years here it was the worst graffiti incident I've seen," Johnson said. "And it was personal because they hit my building, too."

Johnson has also enlisted his friends and neighbors to pass along pictures of graffiti when they spot it. But he also gets self-reporting forms from the Police Department to make sure there's an official record.

Police and city officials say that's just the sort of citizen involvement they'd like to see more of.

Reason for concern

Detective George Chavez of the Madison Police Department -- the city's only officer designated to deal full-time with gang issues -- is thankful for Johnson's involvement.

"It's great that Tim's staying up on it," he said.

And there are others scattered across the city who call with tips about gang-related activity, including graffiti.

Their numbers are small, but even a little information can be significant. For instance, Chavez said he can tell from the graffiti in Johnson's neighborhood that trouble is brewing.

"At some point there's going to be some sort of conflict," Chavez said.

What concerns Chavez are the obvious signs that gangs in the Russett-Balsam road area are "disrespecting" each other, crossing out or defacing each other's signs.

Evidence of that disrespect includes spray painting the letter K -- for "killa" -- after a gang sign, or writing the name of a rival gang with some of the letters backwards.

"It's reason for concern," he said.

Similar gang issues have been boiling up in other Madison neighborhoods, and they often play out in the schools.

In the past three weeks, Chavez said, there have been gang-related fights at each of the Madison School District's high schools.

Chavez credits the tips he gets for stepped-up efforts over the past couple of years to educate people about what to look for.

"We're now reaping the benefit of that because we're getting contacted about those kinds of things," he said.

He can use all the help he gets. For years he's been the primary gang intelligence officer in the county, relating what he learns on the street to other jurisdictions when the need arises.

He's had some assistance from Madison Police Officer Lester Moore, but in recent months, Moore has been tied up with his work on the Dane County Narcotics and Gang Task Force.

The Dane County Sheriff's Office in June designated Detective Joel Wagner to deal full-time with gang issues in the suburbs, but getting a handle on gang issues takes time and Wagner's still getting up to speed, Chavez said.

"I believe they're a little bit overwhelmed because this is a citywide issue, it's not just here," Johnson said of Chavez and Moore, both of whom he's dealt with on the graffiti issue.

Chavez doesn't deny it. He spends much of his time on the road educating others about what he's learned over the past 10 years as Madison's gang specialist, and he's having a hard time keeping up.

"Because of the resources, I'm not able to do a lot of this on my own," he said.

He's hoping that help is on the way.

As part of his strategy to deal with what's widely perceived as a rising crime rate citywide, Police Chief Noble Wray has included in his budget request funding for 30 new officers, one of whom would work with Chavez on gang issues.

Making a point

Johnson, who serves on a steering committee on west side crime, has not been shy in relating his concern that the turf war playing out on the neighborhood walls could turn violent.

In July, the slaying of a Waunakee man at a west side party brought the issue of street crime on the west side to the forefront. And when a public listening session on the issue was scheduled the following month with Wray and Mayor Dave Cieslewicz, Johnson brought along his graffiti display, and many of those attending, including city officials, stopped to take a look.

The response, Johnson said, was "anywhere between surprise to almost dumbfounded."

"He has taken on the graffiti issue in a way that has made him a real resource for neighborhood residents, police officers and city leaders," Cieslewicz said. "The remarkable engagement of neighborhood leaders like Tim is one reason I am optimistic that our community will be able to effectively respond to our public safety challenges."

For the most part, Johnson said, other city officials also have been responsive to his concerns.

But not all.

"There have been some conversations which have been a little bit dismissive of the problem saying, 'Well, these are just kids who are just wannabes,'" Johnson said.

"Maybe there's something to that, or maybe there isn't. But even if these are wannabes, if they have the means, the motive and opportunity, the weaponry, whatever, they could do just as much damage as the 'be's.'"

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**Testimony of Senator Jeff Plale
Assembly Bill 241
Assembly Committee on Criminal Justice**

Thank you Chairman Kleefisch and members of the committee for your consideration of this bill. I believe this legislation is critical to the health and well being of all of our communities.

Assembly Bill 241 would decrease the threshold for felony charging of graffiti vandalism. Currently, cumulative damage to property must total more than \$2500 in order for the offender to be charged with a felony. This bill would lower that damage threshold to \$1000 of cumulative damage. Let me assure you, this bill is much more than a crack down on twelve year olds with spray cans. It is a bill that seeks to preserve the dignity of property and community; while punishing those who seek to destroy them.

The men and women who patrol our streets see the effects of graffiti on a daily basis. They firmly believe that graffiti is not a minor annoyance, but rather a significant impediment to safe, secure neighborhoods. These officers become increasingly frustrated when day after day, they catch and arrest the same people for graffiti vandalism only to see them released, hours or days later, because they could only be charged with misdemeanor offenses.

Graffiti is not a harmless, youthful indiscretion. It is often the first step in the decline of a community. The individuals who bring this blight upon our homes should be prosecuted surely and swiftly.

I thank you for listening to my testimony, and I will be happy to answer any questions you may have.



